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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,513	02/07/2005	Mats Sagfors	P15287-US1	4394
27045	7590	07/25/2008		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER  SHEDRICK, CHARLES TERRELL	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			07/25/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/501,513

**Applicant(s)**

SAGFORS ET AL.

**Examiner**

CHARLES SHEDRICK

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 50-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 50-63 rejected under 35 U.S.C. 102(b) as being anticipated by Kamm et al. US Patent No.5,457,680, hereinafter, "**Kamm**".

Consider **claims 50 and 57**, Kamm teaches means and a method of channel resource allocation in a wireless communications system (e.g., see at least abstract, col. 3 line 65 – col. 4 line 3), said method comprising the steps of: sniffing one or more data transmissions to or from a data provider for information within one or more application-level data packets(i.e., the packets are continuously monitored)(e.g., see col. 9 lines 44-45, figure 1k, the information can be obtained via continuously monitoring and RF sniffing as noted in col. 13 lines 27-28, col. 14 lines 33-37), the information being related to application-level data object size(i.e., the information being monitored/sniffed is directly and/or indirectly related to the data object size) (e.g., see at least claim 11 which indicates the size of the packet is monitored); and allocating radio resources as a function of said data object of size (e.g., see col. 4 lines 4-10 where packet sizes are measured against a threshold value, col. 9 line 60 – col. 10 line 3, figure 1k where forward and reverse channels are measured).

Consider **claims 51 and 58** and as applied to **claims 50 and 57**, Kamm teaches wherein said step of allocating radio resources comprises the step of selecting one or more channel

characteristics (e.g., **power or signal strength in at least col. 10 lines 21-24**).

Consider **claims 52 and 59 and as applied to claims 50 and 57**, Kamm teaches wherein said one or more data transmissions are sniffed in an uplink direction (e.g., **see at least figure 1k packets are monitored on the reverse and forward links**) .

Consider **claims 53 and 60 and as applied to claims 50 and 57**, Kamm teaches wherein said one or more data transmissions are sniffed in a downlink direction (e.g., **see at least figure 1k packets are monitored on the reverse and forward links**) .

Consider **claims 54 and 61 and as applied to claims 50 and 57**, Kamm teaches wherein said step of allocating radio resources comprises the step of predicting a future data rate from the information related to data object size (i.e., **the channel assignment predictions are related to rates in order for the system to work more efficiently. See at least col. 14 lines 55-61**).

Consider **claims 55 and 62 and as applied to claims 51 and 58**, Kamm teaches wherein said channel characteristics are selected from the group consisting of: data rate; dedicated or shared usage; scheduling; modulation; spreading code spreading factor; and transmission power (e.g., **signal strength being transmitted col. 10 lines 21-24**).

Consider **claims 56 and 63 and as applied to claims 50 and 57**, Kamm teaches wherein one or more of said application-level data packets are cached prior to being transmitted using said radio resources(i.e., **buffered as noted in col. 7 lines 65-67**).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is (571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harper Paul can be reached on (571)-272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/  
Supervisory Patent Examiner, Art Unit 2617

/Charles Shedrick/  
Examiner, Art Unit 2617  
July 20, 2008